



March 3, 2005

Daniel Basta, Director  
NOAA National Marine Sanctuary Program  
1305 East-West Highway, N/ORM-6  
Silver Spring, MD 20910-3281

Dear Mr. Basta,

I am writing this letter to express my concern about the lack of progress to complete the establishment of marine protected areas in specified locations in federal waters within the Channel Islands National Marine Sanctuary (CINMS). As you know, the State of California has developed a strong partnership and working relationship with the CINMS on a variety of issues, including the Marine Reserves Working Group (MRWG) and marine reserves and conservation areas in the state waters surrounding the Islands. The California process has always envisioned companion areas that would extend this protection into federal waters. The Fish and Game Commission made its decision with this understanding when it took action to designate the reserves and conservation areas in state waters in October of 2002.

I am concerned that after almost two and a half years there has been no action to complete the reserve process in federal waters. I have reviewed the August 29, 2002 letter from NOAA's Office of the Assistant Secretary for Oceans and Atmosphere (signed by Mr. James P. Burgess, III) to the Director of the Department of Fish and Game indicating strong support for the action in state waters. This support was based on a preferred alternative of state and federally designated areas that was reached at in close consultation between NOAA and the State. In that letter Mr. Burgess notes in part,

"...NOAA supports the jointly developed alternative, i.e., the State's proposed action to establish a network of ten State Marine Reserves and two State Marine Conservation Areas in the State waters of the Sanctuary with which commercial and recreational take would be prohibited or limited."

The Fish and Game Commission made their decision on the designation of the waters in state jurisdiction based on this "jointly developed alternative" which included plans for the designation of reserves in federal waters. NOAA indicated that action would soon be taken to move forward with reserve designation. That assumption was made based, in part, on the following commitments made in the letter submitted by Mr. Burgess,

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“In coordination with NOAA Fisheries and the Pacific Council, the Sanctuary intends to initiate an environmental review process to complement the State’s action in the Sanctuary. This federal environmental process would begin in January 2003 and be guided by the National Marine Sanctuaries Act and the National Environmental Policy Act. *It is estimated that it will take a year to complete.* (emphasis added)

Mr. Don McIsaac from the Pacific Fisheries Management Council testified at the October 2002 Fish and Game Commission meeting that a two year process would be necessary to move forward. Recently we requested a timeline from the CINMS program to determine just when this process is estimated to be complete. The most recent estimate for completion is sometime between June and August of 2006, roughly three and a half to four years following the October 2002 decision of the Fish and Game Commission.

We support the completion of this process and would like to move forward with the state-federal partnership as it was originally envisioned. However, I must tell you that I’m frustrated by the lack of progress to date on the process in federal waters. Please call me at (916) 653-7310 when you have time so we may discuss ways to move forward in a productive and timely manner. I’m committed to helping you in any way that I’m able to do so.

Sincerely,



Mike Chrisman  
Secretary for Resources